

**Notice of Allowability**

Application No.

10/668,674

Examiner

Anthony J. Green

Applicant(s)

SAPIENZA ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

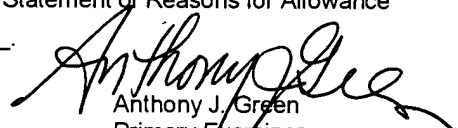
1. ☒ This communication is responsive to the amendment submitted on 12/10/04 and Examiner's Amendment of 12/22/04.
2. ☒ The allowed claim(s) is/are 1-64.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Anthony J. Green  
Primary Examiner  
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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan Clement on 22 December 2004.

The application has been amended as follows:

In claim 1, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 3, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 5, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 6, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 8, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 9, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 14, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 16, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 18, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 19, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 21, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 26, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 28, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 29, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 30, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 32, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 33, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 33, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 34, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 35, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 39, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 41, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 43, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) -- and in line 2 the phrase "anti-icing" has been deleted.

In claim 44, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 45, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 47, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 48, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) -- and in line 2, the term "or" has been changed to the phrase -- and/or --.

In claim 49, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) -- and in line 2, the term "or" has been changed to the phrase -- and/or --.

In claim 51, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) -- and in line 2, the term "or" has been changed to the phrase -- and/or --.

In claim 52, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 54, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 57, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 58, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 59, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 60, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 63, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

In claim 64, line 1, the phrase "(Presently amended)" has been changed to the phrase: -- (Currently amended) --.

***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

The third inventor signed on the line where the second inventor should have and then lined through the signature without initialing and dating this change. A new declaration is required.

**REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance: The prior art of record, which is the most pertinent art found, fails to teach and/or fairly suggest the instant invention.

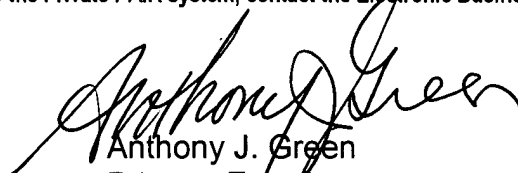
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony J. Green  
Primary Examiner  
Art Unit 1755

ajg  
December 22, 2004